

Law Offices of John M. Sears, P.C.
John M. Sears
State Bar No. 005617
107 N. Cortez, Suite 104
Prescott, AZ 86301
(928) 778-5208
Attorney for Defendant

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2009 JAN 29 PM 12:21

JEANNE HICKS, CLERK ✓

BY: J. Seguin

In the Superior Court
In and for the County of Yavapai, State of Arizona

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN C. DEMOCKER

Defendant.

Case No. CR 2008- 1339

DIVISION 6

**NOTICE OF FILING
EXHIBIT TO DEFENDANT'S
MOTION FOR
REEXAMINATION OF
CONDITIONS OF RELEASE**

PLEASE TAKE NOTICE THAT Defendant, STEVEN C. DEMOCKER, by his counsel undersigned, herewith files Exhibit A, which was inadvertently omitted from his Motion for Reexamination of Conditions of Release filed on January 28, 2009.

DATED this 29th day of January, 2009.

LAW OFFICES OF JOHN M. SEARS, P.C.

By: 

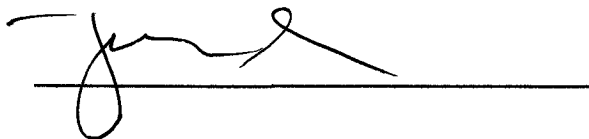
John M. Sears, Attorney for Defendant DeMocker

Copy of the foregoing hand delivered this
29th day of January, 2009 to:

Honorable Thomas B. Lindberg
Judge of the Yavapai County Superior Court
Division 6
Yavapai County Courthouse
Prescott, AZ

Mark Ainley
Yavapai County Attorney
Yavapai County Courthouse
Prescott, AZ

By:





ARIZONA DETENTION SERVICES

240 S. Montezuma Ave. Suite 103

Post Office Box 1613

Telephone: 928.776.0703

Facsimile: 928.776.0265

Prescott, Arizona 86301

Prescott, Arizona 86302

Cellular: 928.713.3526

F.A.Q.'S about House Arrest.

1. Is House Arrest just like being on probation?

No, house arrest and probation are different forms of sentencing from the courts. House arrest is much stricter because the Offender has to be in a lock-down mode at the residence and is monitored on a 24/7 basis. The house arrest program may be used in conjunction with pre-trial release, probation, or jail time.

2. Who monitors the Offender?

The lower courts using this program appoint a staff member as a Case Management Officer to help enroll the Offenders and check on the Offenders violation status. The higher courts use probation/surveillance officers for monitors as this program is a great tool for Pre-Trial Release and Probation. It is a "stand alone" monitoring program that does not interfere with the monitoring that is required by the State of Arizona, and saves the probation/surveillance officers many hours in the "field".

3. How do the courts pay for the Case Management Officer?

The courts try to use somebody already on staff, but help offset the cost by charging an enrollment fee to the Offender and then by charging the Offender for each violation of the conditions of House Arrest.

4. Do the courts pay for the daily monitoring of the Offender?

No. All costs for being allowed to participate in the House Arrest program are paid for by the Offender. The Offender has to pay the court fees and pays E-Cell separately.

5. How much does the Offender pay to be on the program?

Depending upon the type of monitoring, the cost can be from \$7.00 per day to \$35.00 per day. The Passive GPS system is currently at \$15.00 per day which is still much less expensive than \$69.00 per day for jail costs.

6. Not all Offenders can afford House Arrest. Is that fair?

Not all Offenders can afford to pay bail when they are arrested, but it is still available to them. House Arrest works on the same principal.

7. Do the courts have to pay for any of the monitoring equipment?

No. E-Cell is a service provider for the courts. There is no requirement for the courts to maintain an inventory of monitoring equipment. There is no liability to the courts for equipment loss or damage.

8. If an Offender violates House Arrest, what happens?

The Case Manager has several options:

- A. Counsel the Offender.
- B. Set a violation hearing with the court.
- C. Issue a warrant for the Offender's arrest

9. What if the Offender uses drugs while on House Arrest?

The court may require alcohol or drug screening by the Offender during the House Arrest program. The Offender's schedule can be adjusted to allow for drug testing & medical appointments.

10. What if the Offender uses alcohol while on House Arrest?

E-Cell offers an alcohol sensing monitor to the Offender at an additional charge. Random testing is done one or two times per day during the lock-down period, and photographs the Offender at the same time.

11. What are the other uses for the monitoring program?

The E-Cell monitoring system is used for monitoring inmates on work-furlough, inmates too sick to be in a county or city facility, domestic violence tracking, non-violent inmates waiting for transfer to state correctional or mental institutions, sex offenders, and Alzheimer patients

12. Why is the E-Cell program different from all of the other programs out there?

E-Cell has a streamlined program that makes it easier for the courts to administer house arrest by offering the following:

- A. No contracts or equipment leases to sign.
- B. No minimum fees.
- C. No inventory required.
- D. No installation by court staff.
- E. No paperwork pile-up. All Internet reporting system.



ARIZONA DETENTION SERVICES

50 Perkins Dr.

Prescott, Arizona 86301

Jack R. Taylor, Managing Partner

Cellular: 928.713.3526

December 17, 2008

House Arrest Program Fee Schedule

1. Initial Set-up Fee:	\$100.00	
2. Voice Monitoring Only	\$ 5.00	(per day)
3. Ankle Bracelet Monitoring	\$ 15.00	(per day)
4. Ankle Bracelet w/ Alcohol Monitoring (MEMS)	\$ 20.00	(per day)
5. GPS Tracking w/ Ankle Bracelet (Passive)	\$ 20.00	(per day)
6. GPS Tracking w/ Ankle Bracelet (Active)	\$ 20.00	(per day)
7. Change Orders for scheduling	\$ 25.00	(each)
8. Offender Violations	\$ 25.00	(each)



ARIZONA DETENTION SERVICES

ARIZONA DEPARTMENT OF CORRECTIONS Daily Inmate Population, September 27, 2007

	MALE	FEMALE	TOTAL
Inside Count	33,741	3,327	37,068
Outside Count	332	60	392
Daily Count	34,073	3,387	37,460

Minimum Custody is low risk to the public of escapes or committing violence while outside the prison perimeter, including community work crews. Minimum custody inmates must have five (5) years or less to serve of their earliest release date, not to have a current sex offense, and not have a felony detainer.

Minimum Custody Level Inmate Count (all beds): 12,508
(Approximately one third of Total Inmate Count)

The ADC 2005 Annual Operating Per Capita Report stated the average cost per state prison held inmate was \$58.21 per day.

We will use an estimated \$60.00 per day for 2007. (60 x 365= 21,900) Use \$22,000 annually per inmate.

If 20% (2500) of Minimum Custody Inmates were placed on ankle bracelet monitoring, and paid for by the Inmate as a condition of release, the annual savings to the State of Arizona would be \$55,000,000. If the state paid for the monitoring costs (approx \$14,000,000.) the annual savings would be \$41,000,000.

2500 Inmates x \$22,000 = \$55,000,000 in Annual Savings!

SENTENCING GUIDELINES

In order to establish a successful house arrest program E-Cell of Arizona recommends the following guidelines.

The judge and/or prosecutor must take the first steps involved in the house arrest programs. Either (1) the judge must sentence the offender to house arrest (actually give him the choice of house arrest or jail time); or the prosecutor must (2) include house arrest in plea bargains or (3) make recommendations to the court that house arrest be offered at the time of sentencing of an offender.

1. The offender should be given a choice of Jail or House Arrest at his expense. The reason for this: If subject is sentenced to house arrest without an option of jail time, he can object that he can't afford it. If he is given a choice, he is agreeing that he can afford it. The court always has the option to pay for the program.
2. Jail sentence can include house arrest. Many times the judge may insist that the defendant serve some time in jail just to give him "a taste" of that experience. If so, a combination sentence may be an option. [Example: Offender serves 60 days, with 10 days in the county jail and the remaining 50 days on house arrest.]
3. Time served does not go towards jail sentence if offender is removed from program. The reason for this is to make the program more forceful. Offenders will continue to comply with our program requirements right up until the end because they will not get credit for time served on house arrest if they are removed from the program.
4. Failure to pay is a violation. This is the only way that we can enforce our collection efforts. The program will not work if this is not supported by the court.
5. Curfew violations must be enforced. Offender to be incarcerated for 24-48 hours and placed back on house arrest for minor infractions.
6. 30 days in Jail = 60 days house arrest. (or 30 days in Jail = 90 days house arrest.) It is the judge's decision to make. This gives them more incentive to stay on the program, knowing the number of days they must serve if they fail to comply.

Obviously, this is a basic format in which E-Cell, Inc. would like to provide its services. What is of key importance is the logic behind guidelines. It is our belief that an offender who has been released early at his own expense and facing the threat of return with no credit for time served is extremely less likely to violate even the most rigorous set of conditions set out for them

Arizona Detention Services

240 S. Montezuma
Suite 103
Prescott, AZ 86301

PHONE: (928) 776-0703
FAX: (928) 776-0265
E-MAIL: arizona@e-cell.com
WEB SITE: <http://www.e-cell.com>

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA

Plaintiff

.vs

ENTER DEFENDANT'S NAME

Defendant

CR-

DIVISION: I

COURT ORDER TO HOUSE ARREST

IT IS ORDERED this _____ day of _____, that the above-named Defendant shall have electronic monitoring installed and will abide by the provisions of the E-Cell agreement.

PROGRAM LENGTH: _____ Days UNIT TYPE: RF ☐ MEMS ☐ GPS ☐ A ☐ P ☐

Special Instructions:

Honorable Howard D. Hinson Jr.

Signature

CONDITIONS

(Initials)

Defendant will have the electronic monitoring installed by _____.

Defendant will not attempt to adjust, tamper with, or circumvent the monitor or transmitter.

Defendant understands that any violations detected by E-Cell, Inc. will be reported to the Court or its designee. Defendant's Case Manager is _____.

Defendant agrees to abide by all of the terms of the E-Cell agreement.

WITHIN 48 HOURS OF SENTENCING, DEFENDANT WILL CONTACT E-CELL of ARIZONA TO ARRANGE FOR THE INSTALLATION OF THE ELECTRONIC MONITORING

All monitoring charges MUST be paid in advance or Defendant is considered to be in violation of program.

Defendant's Signature _____ DOB _____ SSN _____

Telephone _____ Street Address _____ City _____ State _____ Zip _____

Transmitter Ser. # _____ Date: _____ Installed by _____

Receiver Serial # _____ Installer's Signature _____

Conditions of E-Cell of Arizona Program For Yavapai County Superior Court

I, (Enter Name Here), understand, and will abide by the following:

1. If I need a schedule change, I must notify an E-Cell of Arizona representative prior to the change. There will be no charge for the first schedule change. Any schedule change thereafter will cost me \$25.00.
2. Any changes in my work schedule must be approved by my case manager or the court before E-Cell of Arizona can revise the monitoring schedule.
3. If E-Cell of Arizona has to connect and re-connect my service for any reason, I will be charged an additional \$25.00 fee.
4. If I do not return the equipment the day immediately following the end of my sentence, E-Cell of Arizona will continue to charge the daily rate of per day until the equipment is returned.
5. All payments are due in advance. I will be charged a late fee of \$25.00 if my payment is not made on time. If I cannot make my scheduled payment, I must promptly return the equipment to E-Cell of Arizona. I understand this is a violation of the program and I will have to serve my full jail sentence. I understand I will not be given credit for the time I spent on the house arrest program.
6. If I flee, and I still have the monitoring device with me, I will be charged with felony theft. I agree to leave all equipment at my designated residence. I understand this will constitute a violation of the program but will not be as serious as felony theft charges.
7. I have been shown how to remove the wrist/ankle bracelet in case of an emergency.

12/17/2008

Defendant

12/17/2008

Co-Signer

Witnessed By:

12/17/2008

Authorized E-Cell of Arizona Agent